

Attorney's Docket No.: 3250C4-331003  
Client's Ref. No.: 3250C4

**OFFICIAL COMMUNICATION FACSIMILE:**

**OFFICIAL FAX NO: (703) 872-9306**

**RECEIVED  
CENTRAL FAX CENTER**

**SEP 03 2004**

Number of pages including this page (3)

Applicant : Andreas Norbert Wiswesser et al. Art Unit : 3723  
Serial No. : 10/722,716 Examiner : Shantese McDonald  
Filed : November 25, 2003

Title : Method and Apparatus for Detecting an End-Point in Chemical Mechanical  
Polishing of Metal Layers

---

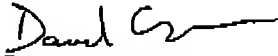
**MAIL STOP AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Attached to this facsimile communication cover sheet is a Reply to the Action of May 5, 2004, faxed this 3<sup>rd</sup> day of September, 2004, to the United States Patent and Trademark Office.

Respectfully submitted,

Date: September 3, 2004

  
David J. Goren  
Reg. No. 34,609

Telephone: (650) 839-5070  
Fax: (650) 839-5071

50235713.doc

**NOTE: This facsimile is intended for the addressee only and may contain privileged or confidential information. If you have received this facsimile in error, please immediately call us collect at (650) 839-5070 to arrange for its return. Thank you.**

Attorney's Docket No.: 05542-331003 / 3250C4

## BBBBIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Andreas Norbert Wiswesser et al. Art Unit : 3723  
Serial No. : 10/722,716 Examiner : Shantese McDonald  
Filed : November 25, 2003  
Title : METHOD AND APPARATUS FOR DETECTING AN END-POINT IN  
CHEMICAL MECHANICAL POLISHING OF METAL LAYERS

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RECEIVED  
CENTRAL FAX CENTER

SEP 03 2004

REPLY TO ACTION OF MAY 5, 2004

In reply to the Office Action of May 5, 2004, Applicant submits the following remarks.

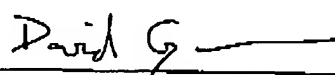
Claims 21-25 stand rejected for statutory double patenting under 35 USC 101 over claims 13-14 and 16-18 of U.S. Patent No. 6,503,766.

The present application and U.S. Patent No. 6,503,766 do not have common assignees or common inventors. Applicant respectfully notes that in this situation, statutory double patenting is improper. See MPEP 804(I)(A) and Chart II-A.

Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 9/3/04

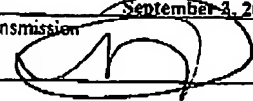
  
David J. Goren  
Reg. No. 34,609

Telephone: (650) 839-5070  
Facsimile: (650) 839-5071

50229789.doc

## CERTIFICATE OF TRANSMISSION BY FACSIMILE

I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office on the date indicated below.

Date of Transmission September 3, 2004  
  
Signature

Nikla M. McMillion  
Typed or Printed Name of Person Signing Certificate